

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Jose Abel Perez,

Plaintiff(s),

vs.

City of North Las Vegas, *et al.*,

Defendant(s).

**2:24-cv-00918-GMN-MDC**

**ORDER DENYING MOTION**

Pending before the Court is *pro se* plaintiff Jose Abel Perez's *Motion to Merge All Three Complaints* (ECF No. 13). For the reasons stated below, the Court DENIES the motion.

**DISCUSSION**

Plaintiff requests to merge his Complaint (ECF No. 7-2), Amended Complaint (ECF No. 10), and First Amended Complaint (ECF No. 12). *See Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007) ("A document filed *pro se* is 'to be liberally construed[.]'"). However, this is an improper request. Plaintiff is reminded that "when a plaintiff files an amended complaint, '[t]he amended complaint supersedes the original, the latter being treated thereafter as non-existent.'" *Rhodes v. Robinson*, 621 F.3d 1002, 1005 (9th Cir. 2010) (quoting *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir.1967)). An amended complaint must be "complete in itself, including exhibits, without reference to the superseded pleading." LR 15-1(a). Therefore, the proper procedure is for plaintiff to file an amended complaint that includes all claims against all defendants. Thus, the Court also denies the motion on these grounds.

Plaintiff also does not provide any points and authorities in support of his motion. *See* LR 7-2(d) ("The failure of a moving party to file points and authorities in support of the motion constitutes a consent to the denial of the motion."). Therefore, the Court also denies the motion on these grounds.

1 ACCORDINGLY,

2 **IT IS ORDERED that:**

- 3 1. The Motion to Merge All Three Complaints (ECF No. 13) is DENIED.
- 4 2. If plaintiff wishes to file a Second Amended Complaint that supersedes his First Amended
- 5 Complaint (ECF No. 12), then he must file the Second Amended Complaint by **November**
- 6 **29, 2024**. The Court will defer screening plaintiff's First Amended Complaint (ECF No. 12)
- 7 until after the November deadline.

8 DATED this 30<sup>th</sup> day of October 2024.

9 IT IS SO ORDERED.

10   
11 Hon. Maximiliano D. Couvillier III  
United States Magistrate Judge

12 **NOTICE**

13 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and

14 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk

15 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal

16 may determine that an appeal has been waived due to the failure to file objections within the specified

17 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

18 This circuit has also held that (1) failure to file objections within the specified time and (2)

19 failure to properly address and brief the objectionable issues waives the right to appeal the District

20 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d

21 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

22 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any

23 change of address. The notification must include proof of service upon each opposing party's attorney,

24 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may

25 result in dismissal of the action.